

**BAKER BOTTS L.L.P.**

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*Counsel for Defendants*  
*Chicago Bridge & Iron Company N.V.,*  
*Philip Asherman, Ron Ballschmiede and*  
*Westley Stockton*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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IN RE CHICAGO BRIDGE & IRON	)	<b>CASE NO. 1:17-CV-1580</b>
COMPANY N.V. SECURITIES	)	
LITIGATION	)	Hon. Lorna Schofield
	)	

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**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS'  
MOTION IN LIMINE NO. 1**

Defendants Chicago Bridge & Iron Co. N.V. submit this Memorandum of Law in support of their Motion *in Limine* No. 1 to preclude use of demonstrative exhibits before the jury prior to conferring with opposing counsel.

The propriety of a demonstrative exhibit “will depend on whether it is properly authenticated and accurately reflects the testimony and opinion of the witness whose testimony it is meant to explain.” *Rodriguez v. Village of Port Chester*, 2021 WL 1644226, at \*10 (S.D.N.Y. Apr. 26, 2021). While demonstrative exhibits “have no probative value in themselves,” they might be interpreted by the jury “as real-life recreations of substantive evidence that they must accept as

true.” *Id.* Because of the potential that such exhibits may be unduly prejudicial, any demonstrative should not be shown to the jury before opposing counsel may examine and the Court rules on the admissibility of any demonstrative. FED. R. EVID. 402, 403.

Dated: December 13, 2021

Respectfully submitted,

**BAKER BOTTS L.L.P.**

By: /s/ David D. Sterling

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